

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TAFT STETTINIUS HOLLISTER	:	Case No. 1:16-cv-00648-SJD
Plaintiff,	:	Hon. Judge Susan J. Dlott
v.	:	
HWAREH.COM d/b/a HEALTH WAREHOUSE.COM	:	
Defendant.	:	

**ANSWER OF DEFENDANT,
HWAREH.COM d/b/a HEALTHWAREHOUSE.COM**

Now comes Defendant, Hwareh.com d/b/a Healthwarehouse.com (hereinafter “Defendant”), and for its Answer to the Complaint filed by Plaintiff, Taft Stettinius & Hollister, LLP (“Defendant”), states as follows:

FIRST AFFIRMATIVE DEFENSE

1. Defendant lacks the knowledge or information sufficient to form a belief about the truth of the allegations set forth in paragraphs 1 and 2 of Plaintiff’s Complaint and, therefore, Defendant denies the same.

2. Defendant admits the allegations set forth in paragraphs 3, 4, and 6 of Plaintiff’s Complaint.

3. Defendant admits that Plaintiff provided legal services to Defendant at various times between 2011 and 2015, but Defendant lacks the knowledge or

information sufficient to form a belief about the truth of the remaining allegations set forth in paragraph 5 of Plaintiff's Complaint and, therefore, Defendant denies the same.

4. Defendant denies the allegations set forth in paragraph 7 of Plaintiff's Complaint.

5. Defendant admits that Plaintiff has billed Defendant and that some amount remains outstanding, but Defendant denies the remaining allegations set forth in paragraph 8 of Plaintiff's Complaint.

6. Defendant denies the allegations set forth in paragraph 9 of Plaintiff's Complaint.

7. In response to paragraph 10 of Plaintiff's Complaint, Defendant incorporates by reference its responses to the allegations set forth in paragraphs 1 through 9 of Plaintiff's Complaint as if fully rewritten herein.

8. Defendant denies the allegations set forth in paragraph 11 of Plaintiff's Complaint.

9. Defendant denies any and all allegations set forth in Plaintiff's Complaint as if fully rewritten herein.

SECOND AFFIRMATIVE DEFENSE

10. Plaintiff has failed to state a claim upon which relief could be granted, pursuant to Rule 12(B) of the Federal Rules of Civil Procedure.

THIRD AFFIRMATIVE DEFENSE

11. Plaintiff's claims (including but not limited to the claim for accrued interest charges) are barred by the doctrines of waiver and/or estoppel.

FOURTH AFFIRMATIVE DEFENSE

12. Plaintiff's claims are barred or reduced by excessive fees and charges, duplicative charges, and/or charges for attorney time and services rendered for matters that were not for the benefit of and/or authorized by Defendant.

FIFTH AFFIRMATIVE DEFENSE

13. Plaintiff is entitled to setoff the losses and/or damages resulting from Plaintiff's acts, omissions, and/or negligence in the course of rendering professional legal services.

SIXTH AFFIRMATIVE DEFENSE

14. Plaintiff's claim is barred, in whole or in part, by the applicable statute(s) of limitation.

WHEREFORE, having fully answered, Defendant demands that Plaintiff's Complaint be dismissed at Plaintiff's cost and that Plaintiff take nothing hereby.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Courts using the Court's CM/ECF system which will send notification of such filing to the counsel of record on this 22nd day of June, 2016.



August T. Janszen (0062394)